

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

JOHN J. LOONEY, SR., and DO
PROCESS, INC. d/b/a BAD BOY
BAIL BONDS,

Plaintiffs,

vs.

KAROLINA TIERNEY and J.
COLLEEN HERRINGTON,

Defendants.

CV 24-109-BU-DWM

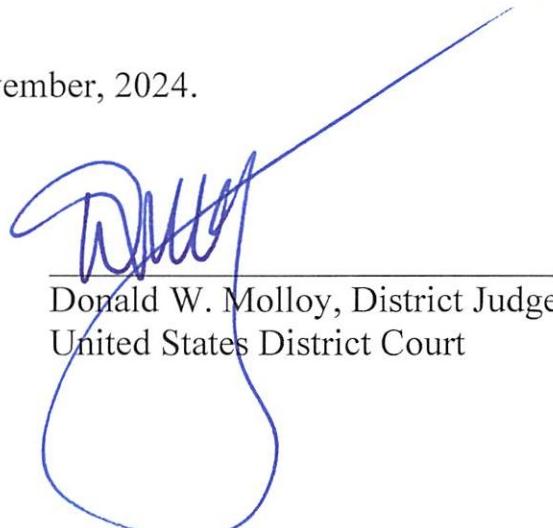
ORDER

On October 1, 2024, Plaintiffs John J. Looney, Sr., and Do Process, Inc. d/b/a Bad Boy Bail Bonds (“Plaintiffs”) filed suit against Bozeman Municipal Judges Karolina Tierney and Colleen Herrington (“Defendants”) alleging Section 1983 liability for violating Plaintiffs’ First Amendment right to petition the government for a redress of grievances. (Doc. 1 at ¶ 99–122.) On October 21, 2024, Defendants moved to dismiss for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). (Doc. 12.) In response, Plaintiffs filed an Amended Complaint on November 1, 2024, containing six new causes of action, including two Due Process claims, three state constitutional claims, and one tortious interference claim. (Doc. 32.)

Because “an amended pleading supersedes the original pleading,” *Koala v. Khosla*, 931 F.3d 887, 895 (9th Cir. 2019),

IT IS ORDERED that Defendants’ Motion to Dismiss, (Doc. 12), is denied as MOOT. Defendants must answer the Amended Complaint or once again move to dismiss by the deadline provided in Rule 12(a) of the Federal Rules of Civil Procedure.

DATED this 4th day of November, 2024.


Donald W. Molloy, District Judge
United States District Court